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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-2175-2025

Date of decision : 19.08.2025

Jagtar Singh**.....Petitioner****versus****State of Punjab and others****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petitioner under Articles 226/227 of the Constitution of India is for setting aside the impugned order dated 27.01.2025 (Annexure P-5) passed by respondent No.2, rejecting the parole case of the petitioner.

2. As per the facts of the case, the petitioner was prosecuted in a case FIR No.7, dated 08.01.2006 under Sections 489-A, 489-B, 489-C, 489-D, 420 of IPC, registered at Police Station Phillaur, District Jalandhar and after completion of trial, the petitioner was convicted and sentenced for 07 years rigorous imprisonment vide judgment of conviction and order of sentence dated 01.10.2010 passed by the learned Additional Sessions Judge, Jalandhar. The petitioner assailed the order of his conviction and sentence by way of filing CRA-S-2787-SB-2010, which has been dismissed by this Court vide order dated 23.01.2014. The petitioner applied for the grant of parole to the Jail Superintendent, Central Jail, Kapurthala on 30.08.2024 and the same was forwarded to Ld. District Magistrate, Jalandhar vide letter dated 03.09.2024, who thereafter, sought



report from SSP, Jalandhar to carry out the verification of the parole case of the petitioner. During the pendency of the parole case of petitioner, he approached this Court by way of filing of CRWP-242-2025, whereby direction was issued vide order dated 13.01.2025 to respondent No.2 to consider and decide the parole case of the petitioner. Ultimately, the Ld. District Magistrate, Jalandhar rejected the parole case of the petitioner vide impugned order dated 27.01.2025. Hence, aggrieved by the same, the petitioner has approached this Court by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the prayer of the petitioner for grant of 08 weeks parole has been rejected by the Ld. District Magistrate, Jalandhar vide impugned order dated 27.01.2025 on the extraneous grounds. In the year 2013, the petitioner absconded the parole and the same has been made a ground for rejecting his parole. The petitioner had also been granted parole from 02.07.2020 to 08.05.2021 and he has not misused the same. He has further submitted that case of the parole of the petitioner is governed by the provisions of the Punjab Good Conduct Prisoners (Temporary release) Act, 1962 and as per Section 3(1)(d) of the Act, he is entitled to the grant of parole. It is submitted that respondent No.2 after getting police verification report from respondent No.3 i.e. Senior Superintendent of Police, Jalandhar, rejected the case of the petitioner for the grant of parole, vide impugned order dated 27.01.2025 on the ground that some new cases have been registered against him and he has absconded during 4 week parole in the year 2013 and it can be a threat to state security and maintenance of public order, in case he is released. He further submits that the Panchayat of his village has also supported the case of the petitioner for releasing him on parole. It is submitted that the petitioner has not been declared a



proclaimed offender and, thus, in view of the aforesaid facts and circumstances, the respondent-authorities have wrongly declined prayer of the petitioner for grant of parole on the basis of totally flimsy grounds. He further submits that the impugned order passed by the respondent-authorities is unsustainable in the eyes of law in view of the law settled and, thus, submits that the impugned order deserves to be set aside.

4. Learned State counsel, per contra, has opposed the submissions made by counsel for the petitioner. He submits that the petitioner is involved in smuggling of fake currency and narcotics, clearly demonstrating his ongoing involvement in anti-national and anti-social criminal activities. He, thus, submits that to maintain peace and harmony in the society, the order dated 27.01.2025 has rightly been passed by the respondent-authorities.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was convicted and sentenced for a period of 07 years rigorous imprisonment. Gram Panchayat of village of the petitioner, has also supported the case of the petitioner. As per the law settled, the provisions of parole are designed to bring the convicts in mainstream of the life. The prayer for grant of parole cannot be declined in a mechanical manner. The issue regarding apprehension of his further involvement in anti-social activities has already been dealt with by this Court time and again. This ground can never be justifiable for rejecting the application filed by any petitioner for grant of parole.

6. In the facts and circumstances of the present case, this Court is of the opinion that parole application of the petitioner cannot be rejected on the mechanical grounds like breach of peace or creation of unpleasant



situation by the convict especially when this observation has been made without referring to any reliable material which the authority concerned had considered before coming to such a conclusion. Hon'ble Division Bench of this Court in case of ***Avdesh Kumar vs. State of Punjab and others, in CRWP-2664-2023 decided on 02.06.2023***, has held as under:-

“16. Admittedly, in the case in hand, the claim of the petitioner had been rejected on the ground that in case he is released on parole, he would indulge in sale of contraband besides it would give bad effect to the young generation and there was apprehension of breach of peace. The impugned order does not refer to any material on the basis of which said satisfaction has been recorded and as is based merely on conjectures and surmises. Such a consideration is unsustainable and can be routinely pressed into action for defeating the statutory objective to temporarily release a convict in terms of the provisions of the Act. Mere apprehension of the petitioner indulging in sale of contraband or of causing breach of peace would not bring the case within the ambit of Section 6(2) of the Act so as to enable the competent authority to reject the application for temporary release on parole.

17. Accordingly, in view of the fact that the rejection of the claim of the petitioner for temporary release does not fall within the ambit of either of the twin grounds stipulated in Section 6 (2) of the Act besides is based on mere conjectures and surmises without there being any material to arrive on said satisfaction, we are of the considered view that the impugned order is legally unsustainable and is liable to be set aside and the petitioner held entitled to concession of eight weeks parole.”

7. Thus, keeping in view the overall facts and circumstances of the present case on the anvil of the law settled, this Court does not find the impugned order passed dated 27.01.2025 (Annexure P-5) to be sustainable

in the eyes of law and hence, the same is hereby set aside.

8 The petitioner is ordered to be released on parole for a period of 02 weeks on his completing the necessary formalities, as required by the respondent-authorities, in accordance with law. The Competent Authority is directed to pass the necessary order in this regard within a period of one week from the date of receipt of certified copy of this order.

9. Petition stands allowed in the above terms.

19.08.2025
ps-I

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE